



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/728,131	12/04/2003	Michael P. Neeper	20413YCA

Alysia A. Finnegan  
 c/o MERCK & CO., INC.  
 Patent Dept., RY60-30  
 P.O. Box 2000  
 Rahway, NJ 07065-0907



CONFIRMATION NO. 6701

## FORMALITIES LETTER



\*OC000000013746749\*

Date Mailed: 09/08/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/04/2004 SSESHE1 00000093 132755 10728131

FILED UNDER 37 CFR 1.53(b)

01 FC:1051 130.00 DA

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **25,26** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

#### **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

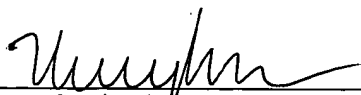
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450

Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in dark ink, appearing to be 'M. Smith', written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

**MERCK & CO., INC.**

By Denise B. Finnegan Date November 2, 2004  
Patent fees are subject to annual revision.



Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
SUBSTITUTE for PTO/SB/17(10-03) "FEE TRANSMITTAL for FY 2003"

**Complete if Known**

Application Number	10/728,131
Filing Date	December 4, 2003
First Named Inventor	Michael P. Neeper
Examiner Name	
Group Art Unit	
Attorney Docket Number	

TOTAL AMOUNT OF PAYMENT \$130

**METHOD OF PAYMENT**

☒ Deposit Account

Deposit Account Number 13-2755  
Deposit Account Name Merck & Co., Inc.

The Director is authorized to:

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application

**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	Utility filing fee	
1002	340	Design filing fee	
1004	770	Reissue filing fee	
1005	160	Provisional filing fee	
SUBTOTAL(1)			\$0

**2. EXTRA CLAIM FEES**

	Extra	Fee from below	Fee Paid
Total Claims <u>20</u> ** = <u>0</u> x \$18 = <u>0</u>			
Independent Claims <u>3</u> ** = <u>0</u> x \$86 = <u>0</u>			
Multiple Dependent Claims		\$290 =	

\*\*or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1202	18	Claims in excess of 20	
1201	86	Independent claims in excess of 3	
1203	290	Multiple dependent claim, if not paid	
1204	86	**Reissue independent claims over original patent	
1205	18	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL(2)			\$0

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Large Entity Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	130
1053	130	Non-English specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1251	110	Extension for reply within first month	
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1,480	Extension for reply within fourth month	
1255	2,010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	
1403	290	Request for oral hearing	
1452	110	Petition to revive - unavoidable	
1453	1,330	Petition to revive - unintentional	
1501	1,330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	
Other fee (specify) _____			
Other fee (specify) _____			
SUBTOTAL(3)			\$130

**SUBMITTED BY**

**Complete (if applicable)**

Typed or Printed Name Alysia A. Finnegan

Reg. Number 48,878

Signature Alysia A. Finnegan

Date

11/2/04

Deposit Account User ID

IN DUPLICATE

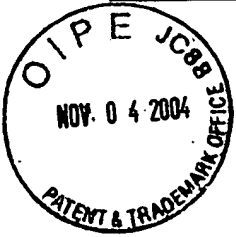
CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Denise K. Brown  
Name

Denise K. Brown  
Signature

November 2, 2004  
Date



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Neeper, *et al.*

Serial No.: 10/728,131

Case No.: 20413YCA

Filed: December 04, 2003

For: SYNTHETIC HUMAN PAPILLOMAVIRUS GENES

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

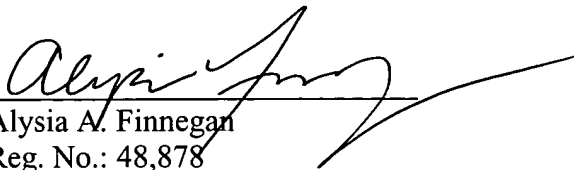
This communication is in response to the Notice To File Missing Parts of Nonprovisioinal Application under 35 CFR 1.53(b), mailed September 8, 2004, in the above-identified application, having a TWO (2) month period for response which expires November 8, 2004.

Applicants submit herewith a Declaration of the Inventors, in compliance with 37 C.F.R. 1.63.

The Notice indicates that the application fails to comply with requirements for patent applications containing sequence disclosures as set forth in 37 C.F.R. §§ 1.821 – 1.825. In response thereto, Applicants concurrently submit to "Box Sequence" a paper Sequence Listing, a Sequence Listing in Computer Readable Form, and a statement that the content of the paper and CRF are the

same and add no new matter, in fulfillment of the requirements of 37 CFR §§ 1.821 through 1.825 (copies of paper Sequence Listing and Statement enclosed). Applicants also submit herewith an amendment directing entry of the Sequence Listing into the specification.

Enclosed is a transmittal form authorizing payment for the declaration surcharge of \$130.00. Please charge any fee deficiencies to Merck Deposit Account number 13-2755.

By   
Alysia A. Finnegan  
Reg. No.: 48,878  
Attorney for Applicants

MERCK & CO., INC.  
P.O. Box 2000  
Rahway, NJ 07065-0907  
(732)594-2583

Date: November 2, 2004